

Message Text

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PAGE 01 EC BRU 04284 301022Z
ACTION EUR-12

INFO OCT-01 ISO-00 SS-15 ACDA-07 EB-08 NSC-05 L-03
SP-02 PM-04 OES-06 INR-07 CIAE-00 NSAE-00 DODE-00
/070 W

-----301024Z 079302 /12/75

P R 281631Z APR 77
FM US MISSION EC BRUSSELS
TO SECSTATE WASHDC PRIORITY 3636
INFO AMEMBASSY OTTAWA
ALL EC CAPTIALS
ERDA WASHINGTON
ERDA GERMANTOWN

C O N F I D E N T I A L EC BRUSSELS 4284

C O R R E C T E D C O P Y FOR TEXT //PAR 4 LN 1//

E.O. 11652: GDS
TAGS: TECH ENERG PARM
SUBJECT: PRESIDENT'S PROPOSED NON-PROLIFERATION ACT OF 1977

REF: EC BRUSSELS 3054

1. IN ANTICIPATION OF QUERIES FROM EC COMMISSION, EURATOM OFFICIALS, AND EC MEMBER STATES FOR DETAILS OF THE EXTERNAL ASPECTS OF THE PRESIDENT'S PROPOSED NON-PROLIFERATION ACT OF 1977, WE WOULD APPRECIATE, AS SOON AS POSSIBLE, SEVERAL COPIES OF THE FULL TEXT OF THE PROPOSED ACT AS WELL AS GUIDANCE AS TO HOW IT WILL IMPACT THE EC AND IN PARTICULAR, OUR ON-GOING RELATIONS GOVERNMENTBY EXISTING AGREEMENTS WITH EURATOM. FOR EXAMPLE, WILL THE U.S. SEEK RENEGOTIATION OF THE PRESENT US/EURATOM AGREEMENT FOR COOPERATION TO PUT IT INTO CONFORMITY WITH THE ADDITIONAL NUCLEAR EXPORT CONDITIONS AS SPECIFIED IN THE FACT SHEET (TRANSMITTED BY USIA WIRELESS FILE OF APRIL 27) BEFORE ENACTMENT OF THE BILL) AND IF SO, WHEN?

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2. WE WOULD ALSO LIKE CONFIRMATION THAT THE COMMENT IN NUMBER PARAGRAPH 5 OF THE FACT SHEET TO THE EFFECT THAT THE BILL "MAKES THE NECESSARY EXCEPTIONS FOR LICENSES UNDER EXISTING MULTINATION AGREEMENTS" IS INTENDED TO TAKE INTO ACCOUNT THE COLLECTIVE CHARACTER OF EURATOM. THE FREE FLOW OF NUCLEAR MATERIALS WITHIN THE NINE MEMBER NATIONS OF THE EUROPEAN COMMUNITIES HAS ALWAYS BEEN A

KEYSTONE OF THE EURATOM TREATY AND THE US/EURATOM AGREEMENT FOR COOPERATION, AND U.S. ATTEMPT TO RENEGOTIATE AGREEMENT TO PROVIDE FOR US APPROVAL ON INTRA-COMMUNITY TRANSFERS WOULD SURELY CREATE A MAJOR ISSUE.

3. CANADIAN INSISTENCE THAT IT SHOULD HAVE PRIOR APPROVAL OF ANY REPROCESSING OF CANADIAN-SUPPLIED IRRADIATED FUEL OR ENRICHMENT BEYOND 20 PERCENT HAS CREATED A TOTAL IMPASSE IN EC-GOC NEGOTIATIONS OF STRENGTHENED SAFEGUARDS PROVISIONS OF CANADA'S 1958 AGREEMENT WITH EURATOM. (EURATOM SUPPLY AGENCY OFFICIAL INFORMED US THIS MORNING THAT WORKING LEVEL OFFICIALS OF THE COMMISSION AND THE MEMBER STATES AGREED TO RECOMMEND A REJECTION OF THE CANADIAN DEMAND ON THE GROUNDS THAT THE REQUEST IS CONTRARY TO COMMUNITY LAW REQUIRING FREE TRADE AND NON-DISCRIMINATION BETWEEN MEMBER STATES.)

4. WE WOULD ALSO APPRECIATE FURTHER DETAILS ON PROPOSALS IN THE BILL REGARDING INCREASED CONTROL OVER EXPORTS OF NUCLEAR TECHNOLOGY. THIS IS ALSO AN AREA WHERE CANADIAN EFFORTS TO NEGOTIATE STRENGTHENING OF ITS NUCLEAR COOPERATION AGREEMENT WITH THE EC RAN INTO PROBLEMS. (DUE IN PART TO ABSENCE OF EURATOM JURISDICTION IN THIS AREA).

5. PARAGRAPH 2 OF FACT SHEET DEFINES IMMEDIATE NUCLEAR EXPORT CONDITIONS. WE UNDERSTAND THAT THESE CONDITIONS ARE CURRENTLY IN EFFECT THROUGH EXISTING AGREEMENTS WITH EURATOM AS REGARDS RETRANSFERS AND REPROCESSING INTO OR CONFIDENTIAL

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OUT OF COMMUNITY. REQUEST CONFIRMATION THAT WE ARE NOT REPEAT NOT ASKING AT THIS TIME THAT TRANSFERS AND REPROCESSING WITHIN COMMUNITY ARE NOT SUBJECT TO SUCH CONDITIONS. MORRIS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, NUCLEAR PROLIFERATION, DOCUMENTS, POLICIES, EXPORT CONTROLS, NUCLEAR FUELS, NUCLEAR COOPERATION PROGRAMS, PUBLICATIONS PROCUREMENT
Control Number: n/a
Copy: SINGLE
Sent Date: 28-Apr-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977ECBRU04284
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770238-0399, D770149-0206
Format: TEL
From: EC BRUSSELS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770411/aaaaailm.tel
Line Count: 101
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 152b3e9c-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 EC BRUSSELS 3054
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 01-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2670045
Secure: OPEN
Status: NATIVE
Subject: PRESIDENT'S PROPOSED NON-PROLIFERATION ACT OF 1977
TAGS: TECH, ENRG, PARM, XT, CA, US, EURATOM, EEC
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/152b3e9c-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009